

GEORGE S. CARDONA
Acting United States Attorney
CHRISTINE C. EWELL
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
California Bar No. 149883
Assistant United States Attorney
Chief, Asset Forfeiture Section
United States Courthouse
312 North Spring Street, 14th Floor
Los Angeles, California 90012
Telephone: (213) 894-6166
Facsimile: (213) 894-7177
E-mail: Steven.Welk@usdoj.gov

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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA,) NO. CV 02-01798-CAS(CTx)
Plaintiff,)
) {PROPOSED}
)
v.) ORDER DISMISSING ACTION WITHOUT
REAL PROPERTY IN CHINO,) PREJUDICE
CALIFORNIA,)
Defendant.)

FRANK P. ACOSTA, KELLI DAVIS

PETERSON, fka KELLI DAVIS

HUMPHREY, COUNTY OF SAN

BERNARDINO, and COMMUNITY

COMMERCE BANK,

Globalization

Plaintiff United States of America and claimants Frank P.

Acosta and Kelli Davis Peterson have made a stipulated request

1 that this action be dismissed without prejudice so that the
2 defendant property can be sold and the net proceeds of sale
3 distributed to outstanding criminal restitution orders against
4 claimants Acosta and Peterson. The parties have stipulated as
5 follows:

6 This civil forfeiture action arises from the same general
7 facts as the the criminal actions entitled United States v. Frank
8 P. Acosta, CR 02-390 (B) AHS, and United States v. Kelli Anne
9 Peterson, CR 03-41 GPS. Claimants Acosta and Peterson were
10 convicted in the referenced criminal actions and ordered to pay
11 restitution in the sums of \$1,364,214.60 (Acosta) and
12 \$2,146,564.00 (Peterson). Claimants Acosta and Peterson are the
13 beneficial owners of the defendant real property.

14 Claimants County of San Bernardino and Community Commerce
15 Bank hold secured interests in the defendant real property that
16 are not sought to be forfeited by the government and are not
17 challenged by claimants Acosta and Peterson. The secured
18 interest of the County of San Bernardino in the defendant real
19 property was formally recognized in a stipulation and order
20 entered in this action on May 2, 2002 (docket #19). The secured
21 interest of Community Commerce Bank in the defendant real
22 property was formally recognized in a stipulation and order
23 entered in this action on August 13, 2002 (docket # 30). The
24 orders recognizing these liens provided that the liens would be
25 paid upon forfeiture and sale of the defendant real property.
26 The dismissal ordered herein will have no effect on the liens,
27 which are to be paid out of the gross proceeds of the sale.

1 The government and claimants Acosta and Peterson have agreed
2 that the defendant real property should be sold and the net
3 proceeds that otherwise would be paid to claimants Acosta and
4 Peterson should be applied to the above-referenced restitution
5 orders. The stipulating parties have further agree that the sale
6 of the defendant property and distribution of the proceeds of
7 sale to restitution are more efficiently handled through the
8 criminal cases by the Financial Litigation Unit of the U.S.
9 Attorney's Office. The stipulating parties request that this
10 action be dismissed without prejudice so that the government may
11 proceed with the disposition of the property in the criminal
12 case(s).

13 Good cause appearing therefor, the request of the parties is
14 hereby GRANTED. This action is hereby dismissed without
15 prejudice. Each of the parties shall bear its own costs and
16 attorney fees associated with this civil forfeiture action.

17 || DATED: November 12, 2009

Christine A. Snyder

THE HONORABLE CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE

Prepared by:

20 THOMAS P. O'BRIEN
United States Attorney
21 CHRISTINE C. EWELL
Assistant United States Attorney
22 Chief, Criminal Division

_____ /S/ _____

24 STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

Attorneys for Plaintiff
United States of America